



UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
09/185,248	11/03/98	EIDSON	M INTL-0136-US

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LM02/0718

EXAMINER

ARMSTRONG, A

ART UNIT	PAPER NUMBER
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2741

DATE MAILED:

07/18/00

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Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary	Application No.		Applicant(s)	
	09/185,248		EIDSON ET AL.	
	Examiner		Art Unit	
	Angela A. Armstrong		2741	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Status

- 1) ☒ Responsive to communication(s) filed on 03 November 1998.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) ☐ All b) ☐ Some * c) ☐ None of the CERTIFIED copies of the priority documents have been:
1. ☐ received.
2. ☐ received in Application No. (Series Code / Serial Number) _____.
3. ☐ received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. & 119(e).

Attachment(s)

- | | |
|---|--|
| 15) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 18) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 16) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 19) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 17) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 20) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 14 and 15 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Specifically, as claimed, claim 14 depends on claim 105 (which does not exist, and in the event applicant had included claim 105, the claim would not precede claim 14). Therefore, it is unclear what applicant regards as his invention with respect to claims 14 and 15, as claim 15 depends on claim 14. For further prosecution, the examiner assumes applicant intended for the claim 14 to depend from claim 13 based on the limitation of "encoded combined audio data" which is claimed in claim 13, and the claims (14 and 15) will be examined as such.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-21 are rejected under 35 U.S.C. 102(b) as being anticipated by Farhangi et al. (US Patent No. 5,647,008).

Regarding claims 1, 7-12, 14-19, and 21 "receiving...audio data stream in a first perceptually based format....decoding first audio data stream...obtaining second audio data stream...combining the decoded audio stream with second audio data stream...receiving audio data stream encoded in the AC-3 format....receiving audio data stream encoded in the MPEG-2 format...receiving second audio data stream in a third perceptually based format...multimedia source....mixer...audio CODEC..." is taught by Farhangi et al. at Figure 2 and col. 3, lines 9-67 continuing to col. 4, lines 1-61.

Regarding claims 2-6, 13, and 20, "encoding the combined into second format...encoding the combined audio data stream into an AC-3 format...encoding the combined audio stream into an MPEG-2 format...transmitting the encoded combined audio stream.." is taught by Farhangi et al. at Figure 2, col. 3, lines 9-67 continuing to col. 4, lines 1-61, and col. 6, lines 54-67 continuing to col. 7, lines 1-21.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 22 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Farhangi et al. in view of Bestler et al. (US Patent No. 5,638,112).

Regarding claims 22 and 23, Farhangi et al. do not disclose "...first data stream comprises a video data stream" and "...compressed format comprises a MPEG format."

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However, refer to Bestler et al. who teach a system for processing television signals in an analog or digital format which receives signals (audio and video), decodes the signals and combines the signals for the purpose of achieving various desirable effects when processing television signals (abstract, col. 1, lines 34-67 continuing to col. 4, 1-32).

Therefore, to the extent that Farhangi et al. do not disclose the first data stream comprising a video stream, it would have been obvious to one of ordinary skill at the time of invention to modify the system to also process video signals for the purpose of providing for the processing of television signals, as taught by Bestler et al.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Heyl (US Patent No. 5,774,567) discloses a method and apparatus for mixing together various sound inputs.

Botzko et al. (US Patent No. 5,983,192) discloses an audio processor which receives encoded audio from a plurality of sites, decodes the audio, combines the decoded audio, encodes the audio and transmits to an end-point site.

Modeste et al. (US Patent No. 5,852,800) discloses a method and apparatus for mixing digitally compressed data.

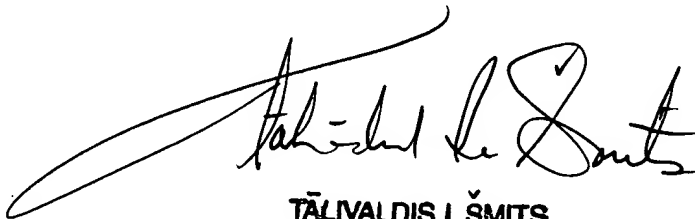
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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Angela A. Armstrong whose telephone number is 703-308-6258. The examiner can normally be reached on Monday-Thursday 7:30-5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David R. Hudspeth can be reached on 703-308-4825. The fax phone numbers for the organization where this application or proceeding is assigned are 703-308-6306 for regular communications and 703-308-6296 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

AAA
July 17, 2000



TĀLIVALDIS I. ŠMITS
PATENT EXAMINER